FIRST ANNUAL REPORT OF THE

LAW REFORM COMMISSION OF NOVA SCOTIA

1991-1992

LAW REFORM COMMISSION OF NOVA SCOTIA
1526 Dresden Row
8th Floor
Halifax
Nova Scotia
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FIRST ANNUAL REPORT 1991-92

March 31, 1992

The Law Reform Commission of Nova Scotia was established by An Act to Establish an Independent Law Reform Commission in 1990 and began functioning in February 1991.

COMMISSIONERS:

William Charles, Q.C., B.A., LL.B, LL.M (Harv) LL.M (Mich), President
Mr Justice John Davison
Beverley Johnson, B.A, BSW, MSW
Dawna Ring, B.A.(Hon), LL.B
Ronald Culley, Q.C., B.A., LL.B.

EXECUTIVE DIRECTOR:

Moira L. McConnell, B.A., LL.B., PhD

LEGAL RESEARCH OFFICER:

Anne Jackman, B.Sc., LL.B.

LEGAL CONSULTANTS:

Diana Ginn, B.A., LL.B, LL.M.
Karen Hollett, LL.B

ADMINISTRATIVE PERSONNEL:

Nancy Johnston
Marian Gillis (part-time)

The Commission offices are located in the Garrison Building, 8th Floor, 1526 Dresden Row, Halifax, Nova Scotia, B3J 2K2
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The Commission reports to the Attorney General of Nova Scotia. The Commission receives one-half of its operating budget from the Attorney General of Nova Scotia and one half from the Law Foundation of Nova Scotia.

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TABLE OF CONTENTS

Page

A. INTRODUCTION 1

B. THE ROLE OF THE COMMISSION 2

C. THE OPERATION OF THE COMMISSION IN 1991-92 3
1. Overview of Activities
3. Personnel
4. Financial Organization
5. Training and Development

D. THE LEGAL REFORM PROGRAMME OF THE COMMISSION 8

I. INTRODUCTION 8

II. FORMAL PROJECTS 8
1. Enforcement of Maintenance Orders
2. Domestic violence
3. Administrative Law

III. INFORMAL PROJECTS 10
1. Administrative Tribunal Practice

IV. PLANNED PROJECTS 10

V. COMMUNICATION and COOPERATION 11
1. With Public
2. With Other Agencies
3. With Government
4. With the Legal Community

VI. ACKNOWLEDGEMENTS 12
1. Financial Assistance
2. Resource Personnel

VII. APPENDICES 13
A. An Act to Establish an Independent Law Reform Commission, S.N.S.1990 c.17, Order In Council, 22 January 1991.
B. Informal Advice to the Attorney General on Administrative Practices and Procedures.
C. Interim Report on Enforcement of Maintenance Orders
D. Interim Report on Domestic Violence
E. Administrative Law Project Viability Report
F. Fiscal Year End Statement

A. INTRODUCTION

After an integrum of 10 years, The Law Reform Commission of Nova Scotia was created by the Government of Nova Scotia by an Order in Council which brought into force An Act to Establish an Independent Law Reform Commission, S.N.S. 1990 c. 17 (known as the Law Reform Commission Act). This statute delineates the mandate and composition of the Law Reform Commission. According to the Law Reform Commission Act, the Commission is an organization made up of between 5 and 7 Commissioners and an Executive Director. The Commission presently has five part-time Commissioners, two representing the Nova Scotia Barristers' Society, Ms. Dawna Ring and Mr. Ronald Culley, Q.C., one representing the judiciary of Nova Scotia, Mr. Justice John M. Davison, one community representative, Ms. Beverley Johnson, Social Worker, and one Law School representative, Professor William H. Charles. Professor Charles is the President of the Commission. The Executive Director of the Commission is Dr Moira McConnell and the full time Legal Research Officer is Ms Anne Jackman.

Under S.4 of the Law Reform Commission Act:

The object of the Commission is review the law of the Province and any matter relating to law in the Province and to make recommendations for the improvement, modernization and reform including, without limiting the generality of the foregoing, recommendations for

(a) development of new approaches to, and new concepts to, law that serve the changing needs of society and of individual members of society;

(b) clarification and simplification of the law;

(c) removal of provisions of the law that are outdated;

(d) improvement of the administration of justice;

(e) review of judicial and quasi-judicial procedures.

The Commissioners, along with the Executive Director and the Legal Research Officer, have the responsibility of carrying out the work of Law Reform in Nova Scotia. Although the Commission reports to and is partly paid for by the Attorney General of Nova Scotia, it has been organized to operate independently of government. Three important features of the Law Reform Commission are (a) the express inclusion of a non-legal Commissioner on the Commission, (b) the legislatively guaranteed independence of the Commission from the government that creates and in part finances its operation and (c) the ability of the Commission to review the administration of justice and not merely the statutes and regulations of the province. These three features are central to the mandate of ensuring greater public access to and participation in shaping the legal life of the community. The participation of a Commissioner who is not a lawyer and is also a member of two traditionally under-represented sectors of Nova Scotia

society provides the Commission with an additional perspective on the role and impact of law on all citizens of Nova Scotia. The independence of the Commission is seen by the government and the public as essential to its ability to provide a forum for open and honest appraisal of the needs and difficulties of people who may come into contact with the legal system in Nova Scotia.[1] In order to further ensure this independence the Commission receives one half of its operating finances from the Law Foundation of Nova Scotia.

One of the most important parts of the work of the Commission is to discuss any possible changes in the law or administration of justice with people in Nova Scotia who will or might be affected by the law that is being reviewed. This is part of the way in which the Commission can find out whether the laws that now exist in Nova Scotia are truly serving Nova Scotia or whether new or changed laws are needed. It is through a process of discussion and study that recommendations for reform which will better serve the needs of Nova Scotia can be made. The Commission plans to actively consult as widely as possible with the public and groups with a special concern and interest in specific reform projects. This means that one of the central concerns of the Commission will be to ensure that it is fully communicating with people who are or might be affected by changes. The Commission will make use of the newspapers, radio, television to let people know about its research so that there is an opportunity for response.

B. THE ROLE OF THE COMMISSION

The Commission does not make law in Nova Scotia. Law in Nova Scotia is made by the government of Nova Scotia through the votes of the political representatives of the people of Nova Scotia. Law is also made through the decisions of judges and other appointed decision makers in cases that come before them. The Commission's role is to review the laws of Nova Scotia and to make recommendations for change to the government of Nova Scotia. The Commission presents its ideas and recommendations in the form of discussion papers and reports which will be available to the public. Final reports and recommendations of the Law Reform Commission are formally presented to the Attorney General of Nova Scotia who will discuss the Commission's Report with the government of Nova Scotia.

According to the Law Reform Commission Act the Commission's job is to review the laws of Nova Scotia and to make recommendations for improvement, modernization and reform of the laws. This will usually involve either developing and recommending new ideas and approaches to law or recommending ways in which the laws and the legal systems that now exist may be improved to better serve the needs of people in Nova Scotia.

There are similar organizations which carry out this job in most other provinces in Canada. Although the Law Reform Commission has initially developed its decision making and work

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[1]The Commission is independent in its ability to choose its topics and to consult with and report to the public and government.

process, the first formal project the Commission has undertaken, "the Enforcement of Maintenance Orders", is in one sense, a test project for the Commission in of developing a viable process and critical path for decision making and scheduling of workload and priorities. In most projects it is likely that the Commission will go through a process of research, consultation with both the general public and specifically affected groups. This communication and consultation process will occur through direct consultation and meetings, and issuing of Discussion Papers and Reports. The result of this process will take the form of a Final Report and Recommendations which may, in some cases, include draft legislation or recommendations for institutional reform. An important characteristic of the process of law reform is to ensure that people who may be affected, but have not traditionally been considered in the legislative process, are consulted and included. The problem of balancing reform with financial and institutional constraints is another consideration.

C. THE OPERATION OF THE COMMISSION IN 1991-1992

1. Overview of Activities

The Commissioners were appointed in February 1991, contemporaneously with the bringing into force of The Law Reform Commission Act. Although the Commission was formally in existence, there was no institutional framework in place, other than a budget, to allow the Commissioners to begin their primary task of law reform. Consequently the first responsibility of the Commissioners was to create a Commission to assist them in carrying out their work.

The Commissioners immediately embarked upon their administrative duties for the Law Reform Commission by having their initial meeting three days after their appointment. During the next three months while the institutional development process was taking place, the Commissioners also began the process of law reform by obtaining background information, considering projects and determining criteria for choosing potential projects. The Commission's first meeting with Graham Walker, the previous Chair of the Law Reform Commission of Nova Scotia in 1980 and B. Stapleton, the current Chair of the New Brunswick Law Reform Commission, occurred 14 days after the appointment of the Law Reform Commissioners. During the last 14 months, the Commissioners have met on more than 34 occasions. With the commencement of Ms. Anne Jackman's employment as the Legal Research Officer for the Law Reform Commission on July 1, 1991, the Commission was able to hold a weekend conference workshop to consider projects. As its first project, the enforcement of maintenance orders was chosen and Ms. Jackman immediately began the background reading and research to commence this project.

On July 18, 1991, the Commission received a formal request from the Attorney General of Nova Scotia to provide input into suggested administrative law procedures and practices to be incorporated in proposed legislation of the Government for the fall in consolidating four of its administrative boards. This request also included a broader request to consider the state of administrative law in the province as a larger and more extensive project. A second legal research officer, Karen Hollett, was hired on contract to review the four administrative boards

in question and to provide some general administrative goals to be incorporated into any proposed legislation.

In December of 1991, the Law Reform Commission announced its second project in the area of domestic violence, analyzing not only the laws but the administration of justice in this area of concern. Ms. Diana Ginn was hired on contract to be the legal research officer for this project. Ms. Ginn immediately began this project in December by collecting background information and articles as well as beginning the extensive interviews of persons subjected to domestic violence and persons and associations working with those who have been subjected to this abuse. During the past year, members of the Law Reform Commission and its full-time Legal Research Officer have attended conferences to develop co-operation with and to keep informed of the activities of other Law Reform Commissions as well as pressing issues requiring law reform. The conferences included the National Law Reform Conference, Annual Meeting of Uniformity Commissioners, Annual Conference of LEAF, Provincial Human Rights Conference, etc.

In January of 1992, Dr. Moira McConnell became the Executive Director of the Commission on a part-time basis until July of 1992 when she will perform her duties on a full-time basis. Professor Charles, the President of the Commission, performed the administrative activities of the Executive Director until her appointment. In light of the tremendous amount of administrative work required to create and establish the office and the hiring of the staff, this burden upon Professor Charles was extensive. Dr. McConnell has been able to assume the administrative duties of the Commission, including the hiring of staff and preparation of an information brochure. The information brochure is to ensure that the public and other agencies in Nova Scotia are informed of the existence and the role of the Commission. In addition, she has been of tremendous assistance in the preparation of fiscal and annual reports and annual budgets. The Executive Director has also begun the process of liaison and cooperative project development with other agencies, both governmental and non-governmental. Since January of 1992, the Law Reform Commissioners have been able to devote more time to the work of its projects, in particular lengthy discussions on a background paper of the Enforcement of Maintenance Orders Project and the discussions of this paper with experts in the field.

2. Personnel

The full time positions of Executive Director, Legal Research Officer and Secretary are designated as positions in the Nova Scotia Civil service and accordingly, the job classifications, salaries and the terms of employment are governed by the rules of the Civil Service Commission of Nova Scotia. The Commissioners are appointed pursuant to the Law Reform Commission Act and the terms of the appointment are governed by the Act and the enacting Order-in-Council. The five Commissioners who constitute the current Law Reform Commission carry out their responsibilities on a part time basis. Pursuant to the Order appointing them, four of the Commissioners receive an honorarium for time spent on Commission work. The President of the Commission, W.H. Charles was designated as such by the other Commission members.

The Commissioners

W.H. Charles, Q.C., President

Professor of Law, Dalhousie University, Faculty of Law, B.A., L.L.B. (DAL) L.L.M. (HARV), L.L.M. (MICH), Q.C. Member of Alberta and Nova Scotia Barristers' Society. Former Dean of Law, Dalhousie University and former member of Uniform Law Conference of Canada.

J. Ronald Culley, Q.C., Commissioner

Mr. Ronald Culley, Q.C. has been in practice with the law firm of Patterson Kitz in Nova Scotia since 1982. He practiced in Ontario between 1972 and 1982 and is a member of the Bar of both Ontario and Nova Scotia. Mr. Culley practices in the field of commercial and administrative tribunal advocacy and has experience in numerous areas including the fields issues of medical law, employment law, creditor-debtor law and insurance law.

Mr. Justice John Davison, Commissioner

Mr. Justice Davison has practised law in Nova Scotia for 28 years, and was one of the most experienced advocates in the province prior to his appointment as a Judge. He was appointed to the Trial Division of the Supreme Court of Nova Scotia in March 1987.

Beverley Johnson, Commissioner

A Graduate of the Maritime School of Social Work and a Registered Social Worker in the province of Nova Scotia. Ms. Johnson has had professional experience in the area of child welfare, mental health, corrections and community development. Ms. Johnson is employed as advisor to Black Students at Dalhousie University.

Dawna Ring, Commissioner

Commissioner Dawna Ring graduated from Dalhousie University in 1975 with a B.A. in Psychology and Political Science, 1977 with an Honours in Political Science, and 1980 with an LL.B. After practising with the firm of McInnes, Wilson, Wickwire & Flinn for four years, she opened her own practice in the partnership of Buchan, Derrick & Ring. She is an adjudicator with an emphasis on administrative law, human rights and employment law. Ms. Ring has been a member of a number of Boards, was a volunteer at Bryony House and has spoken on a number of topics, including Human Rights and AIDS, Sexual Harassment, Invetro Fertilization, Empowering Women and Employment Law.

STAFF

Moira McConnell, Executive Director

On January 1 1992 the Law Reform Commission of Nova Scotia appointed Dr Moira McConnell as Executive Director. Since Dr McConnell is a full time member of the Faculty of Dalhousie Law School she was not in a position to take up her responsibilities to the Commission on a full time basis until the end of the academic year. It was agreed that she would take the position on a part time basis between January and July 1992, at which time she would assume the position on a full time basis. The President and Senate of Dalhousie University have agreed to give her a leave of absence for two years to take on the role of Executive Director to the Law Reform Commission of Nova Scotia. Dr. McConnell obtained her BA from the University of Victoria in 1978 and her LLB from Dalhousie in 1984. Following graduation, she articled in 1984-85 with the Honourable Bertha Wilson, QC, a Justice of the Supreme Court of Canada in 1984-85. In 1985 she moved to Sydney Australia to undertake graduate studies. She was awarded a PhD in Law by the University of Sydney in June 1989. While in Australia she was employed by the law firm of Allen, Allen and Hemsley in the its litigation section. In 1988 she was employed as a full-time member of the Faculty of Law at the University of Sydney teaching public and private international law and Australian constitutional law. In January 1989 she returned to Canada and began teaching full time as Assistant Professor of Law at Dalhousie University. Dr. McConnell has taught in the area of public law, international marine and environmental law, contract law and corporate law. In 1989 and 1990 she completed part time articles with Mr. Christopher Manning a barrister specializing in criminal law, and was admitted to The Bar Society of Nova Scotia in 1990. Dr. McConnell has researched, consulted and published articles in International Trade Law, Environmental Law, Reproductive Control, Constitutional Law, International Law, Shipping and Transport Law and Corporate Law.

Anne Jackman, Legal Research Officer

Ms Anne Jackman was hired as the Commission's full-time Legal Research Officer on July 1, 1991. Ms Jackman has a B.Sc. (Hon) from Memorial University of Newfoundland and an LL.B. from the University of New Brunswick. Prior to her work with the Commission she practised litigation and specialized in Family Law with the Halifax office of Patterson Kitz. Ms. Jackman has worked as a volunteer with the mentally challenged and is involved with a number of public interest associations.

Diana Ginn, Legal Research Consultant

The Law Reform Commission of Nova Scotia hired Ms. Diana Ginn to conduct the Domestic Violence Project. Ms Ginn has a B.A. from Mount Allison University, an LL.B. from Queen's University and an LL.M. from Osgoode Hall Law School. While studying and working in Toronto, Ms. Ginn was a volunteer and relief staff person at Interval House (a shelter for women) and a Board Member with the North York Women's Shelter. Ms. Ginn was also involved with the Women's Shelter in Yellowknife, Northwest Territories, were she spent four years drafting legislation for the Territorial Department of Justice.

Karen Hollett, Legal Research Consultant

Ms. Karen Hollett was engaged by the Commission to carry out research work in relation to an informal request received from the Attorney General involving the practice and procedure of a selected group of administrative tribunals in Nova Scotia.

Administrative Staff:

During 1991 and until March 1992 the Law Reform Commission employed Ms. Mary Atkinson on a contract basis to perform administrative and secretarial functions. In March 1992 Ms. Nancy Johnston began working as secretary to the Commission on an interim basis until Civil service appointment is made. In March 1992 the Law Reform Commission also employed Ms. Marian Gillis on a part time basis as its financial assistant.

3. Financial Organization

As an independent agency, the Law Reform Commission does not rely solely upon the government for its funding. The Law Foundation of Nova Scotia has agreed to match the contribution of the Attorney General's department up to a maximum of $150,000.00. The first year of operation was unusual in that the Commission was established in February of 1991 and the government's fiscal year (1990-91) ended March 31, 1991. The funding received from the government was pro-rated to $50,000 which was matched by the Law Foundation. This provided the Commission the necessary funds to assist in establishing the offices of the Commission. For the fiscal year, 1991-92 which commenced April 1, 1991, the Commission received $150,000 from the Attorney General's Department and $37,500 from the Law Foundation. Since the Commission was not fully operational until 1992 in that it lacked an Executive Director, the Commission was able to carry forward some of its initial funding. The fiscal year of the Commission has now been set as April 1st to March 31st to match the fiscal years of its funding sources. Since it will become fully operational as of July 1, 1992 with a full-time Executive Director, the original operating budget of approximately $300,000 will be required.

To supplement its existing research budget the Commission as permitted by Statute, has applied for summer employment funds to enable it to undertake additional projects in co-operation with the Canadian Mental Health Association (Nova Scotia Branch) and the Canadian Association for Community Living and to engage in cooperative projects with Public Education Society of Nova Scotia to design consultancy strategies that ensure participation in rule making by affected citizens, and particularly citizens who are part of the black and aboriginal communities in Nova Scotia. In addition external funding has been sought to develop a communications package for electronic media (eg. television, radio, educational video on law reform).

4. Training and development

Several Commissioners and the Legal Research Officer attended the National Conference of Law Reform Agencies in Manitoba in May 1991. In September 1991 the Legal Research Officer and one Commissioner attended the Atlantic Aboriginal Policing Conference. Commissioner Dawna Ring attended the Provincial Human Rights Conference on behalf of the Commission. On March 13, 1992 the Commission organized a Seminar on Race Relations with Mr. Robert Upshaw, Educator and Executive Director of the Black Learners Advisory Committee, for its staff and Commissioners. In March 1992, Commissioner Beverley Johnson attended a Conference in Ottawa examining legal education and action for improving the status of women (LEAF).

D. THE LEGAL REFORM PROGRAMME OF THE COMMISSION

I INTRODUCTION

As noted above the Commission is still developing its working process. In general, the substantive work of the Commission involves three areas 1) research 2) consultation 3) analysis and recommendation/reporting. The measure of success for most Commissions is reflected in the extent to which their recommendations have any impact, in particular whether they are adopted by legislators. This overall objective is or should be reflected in all three phases of Commission work. For example, in order to ensure that the final recommendations are relevant, it is important that the research be comprehensive, comparative and if possible, include empirical data. Similarly the process of consultancy must be specifically designed to ensure that as much provision as possible is made for discussion, consideration and feedback from affected groups and agencies. The result should be recommendations which will be useful and relevant for the politically appointed legislators of Nova Scotia to consider.

II. FORMAL PROJECTS

1. Enforcement of Maintenance Orders

At the Law Reform Commission Planning Workshop which was held on Saturday, July 6th, 1991 it was decided that the Commission's first research project would be that of the problems associated with the enforcement of maintenance orders within the Province. The Commission was aware of public concern about this issue and changes to the law in other provinces. The Commission was also concerned with the delays under the present enforcement system as well as the inconsistencies with respect to the application of the Family Maintenance Act pertaining to enforcement.

Legal Research commenced immediately and a survey of legal literature in the field of maintenance enforcement was undertaken. This included a review of existing systems of enforcement within provincial jurisdiction, including: execution orders of the Supreme and Family Courts; garnishee orders of the Supreme and Family Courts; Family Court security orders; registration against land; receiver-ship; imprisonment; default hearings; and tracing information pursuant to the Family Orders Information Release Act.

At a Commission meeting held on August 13th a Project Committee was established comprised of the Commission's Legal Research Officer, Anne Jackman and Commissioners Beverley Johnson, Mr. Justice Davison and Dawna Ring.

Existing systems of enforcement within the federal scheme, although not within the jurisdiction of the Commission, were also reviewed, including: Armed Forces garnishments; tracing and garnishment pursuant to the federal Family Orders and Agreements Enforcement Assistance Act; garnishment and diversion pursuant to the federal Garnishment, Attachment and Pension Diversion Act. A comparative analysis was conducted of all common law jurisdictions in Canada as well as with a number of U.S. state jurisdictions.

In November, 1991 a 150 page Background Paper was presented to the Commission by the Legal Research Officer. This was an internal working document which familiarized the Commissioners on the law related to enforcement and made a number of preliminary recommendations. The Commission subsequently reached a number of tentative conclusions on the project which it is presently discussing with the Enforcement of Maintenance Orders Resource Committee comprised of Judges Connie Sparks and Jim Williams, Doug Campbell of Cox Downie, Kay Rhodenizer of Reierson and Associates and Professor Rollie Thompson, Faculty of Law, Dalhousie University and Dalhousie Legal Aid.

Work on this project will continue during the coming year and a Paper for Discussion will be issued. Further information on the project can be found in Appendix "C".

Domestic Violence

On December 6, 1991, the Law Reform Commission of Nova Scotia announced that it was undertaking a project to examine violence in a domestic context. The purpose of this project is to examine how the legal system deals with the issue of spousal assault, in order to make recommendations to the Provincial Government for the improvement of provincial laws and the administration of justice generally.

The decision of the Law Reform Commission of Nova Scotia to study spousal assault comes amid a growing interest at all levels of government in law reform and other initiatives in this area.

The Domestic Violence Project has involved extensive, province-wide consultation with people who approach the issue of spousal assault from a wide variety of perspectives. The project will also include a review of relevant literature on the topic as well as research into and analysis of legal issues related to spousal assault. Further details of this project can be found in Appendix "D".

3. Administrative Law

On July 18, 1991 the Commission received a formal request from the Attorney General pursuant to section 6 of the Law Reform Act, to

> "...consider the state of administrative law in the Province and in particular to develop draft legislation that:
>
> (a) standardizes the powers and procedures of administrative tribunals;
> (b) guarantees parties appearing before the tribunals basic procedural rights and safeguards;
> (c) simplifies administrative law, particularly with regard to judicial review and appeal; and
> (d) ensures the requisite degree of independence when a tribunal is required to act in a judicial fashion."

This request was originally recommended by the N.S. Court Structure Task Force and the wording of the Attorney General's request reflects this recommendation. The Project is currently being evaluated by the Commission for its viability in terms of scope, timing and resources. Further details are found in Appendix "E".

III. INFORMAL PROJECTS

1. Administrative Tribunal Practices and Procedures

The Attorney General informally invited the Commission to make suggestions on administrative procedures and practice which might assist the legislative consolidation of four provincial administrative tribunals: The Public Utilities Board, The Municipal Board, The Expropriation Compensation Board, and The Tax Review Board. Ms. Karen Hollett was hired on a contract basis to prepare this report for the Commission which was forwarded to the Attorney General's department on January 27, 1992.

Ms. Hollett in six weeks, prepared a background paper for the Commission which contains review of the procedures and practices of the Boards after analyzing their empowering Statutes, interviews with Board members and lawyers practising before the Boards, and a review of reference articles and texts. After a review and discussion, the Commission prepared initial broad procedure and practice recommendations to be incorporated into eminent legislation joining these four Boards. The Commission advised that these recommendations may vary with more extensive review and public input.Further details are found in Appendix "B".

IV. PLANNED PROJECTS

The Commission has received and generated numerous suggestions about possible areas of law for review and reform. The decision as to which projects to undertake is determined, in part, by the Commission perception of need, importance, public interest and the availability of resources.

V. COMMUNICATION AND COOPERATION

1. With Public

Our legal researchers have consulted extensively with the public as part of the background research for each project. In particular the research relating to Domestic Violence has involved more than 90 consultations throughout Nova Scotia. A list of organizations is attached to the report in Appendix D.

The consultation process in connection with the other two projects is less developed and has been oriented initially to specific institution and agencies specifically involved rather than the general public. The public consultation process will occur following release of Discussion Papers.

b. With other Agencies

The Commission has discussed approaches to law reform and public communication with Law Reform Commissioners in other provinces across Canada and has obtained reports of the work of other Commissions. In Nova Scotia the Law Reform Commission has been involved in discussion with various non governmental agencies related to the specific projects it is undertaking or considering undertaking and with the Public Legal Education Society of Nova Scotia and the Nova Scotia Barristers' Society.

c. With Government

There has been consultation with the department of the Attorney general and with Department of Community Services. The latter department has been primarily concerned with the proposal for enforcement of Maintenance Orders. In addition there has been consultation with the judiciary and the officials involved in the administration of justice in Nova Scotia in the context of project consultation. A list of consulted agencies is found in the project reports in Appendix C and D.

d. With the Legal Community

The researchers and the Commissioners have solicited comments as to possible areas of law in need of review from the practising Bar in Nova Scotia and from the legal academic community.

In addition, the Commission has actively invited and sought to consult with and seek the advice of members of the legal community as part of its resource teams on the specific projects.

F. ACKNOWLEDGEMENTS

a. Financial Assistance

The support of the Law Foundation of Nova Scotia and the Attorney General of Nova Scotia is acknowledged, as is the in kind support and assistance of the Nova Scotia Barristers' Society, Public Legal Education, the Faculty of Law at Dalhousie University, and the various government departments which have provided assistance and information to researchers. The law firms associated with the Commissioners are acknowledged for their support of the activities of the Commission.

b. Resource Personnel

Numerous people have provided advice and assistance to the Commission in many aspects of its work. In addition people in the community have freely given of their time to act as resource consultants for the Commission on it projects. Their time, practical experience and advice has been of great assistance to the work of the Commission. These people are specifically referred to in the project reports appended to this report. Their contribution to law reform in Nova Scotia is gratefully acknowledged.

APPENDICES

TABLE OF CONTENTS

A. An Act to Establish an Independent Law Reform Commission, S.N.S. 1990 C.17, Order in Council, 22 January, 1991.

B. Informal Advice to the Attorney General on Administrative Practices and Procedures.

C. Interim Report on Enforcement of Maintenance Orders

D. Interim Report on Domestic Violence

E. Administrative Law Project Viability Report

F. Fiscal Year End Statement

APPENDIX A

An Act to Establish an Independent Law Reform Commission
SNS 1990, c.17, and Order in Council January 1991

CHAPTER 17 OF THE ACTS OF 1990

An Act to Establish an Independent Law Reform Commission

Short title

1 This Act may be cited as the *Law Reform Commission Act*. 1990, c. 17, s. 1.

Interpretation

2 In this Act, "Commission" means the Law Reform Commission of Nova Scotia. 1990, c. 17, s. 2.

Law Reform Commission of Nova Scotia

3 There is hereby established a body corporate to be known as the Law Reform Commission of Nova Scotia. 1990, c. 17, s. 3.

Object of Commission

4 The object of the Commission is to review the law of the Province and any matter relating to law in the Province and to make recommendations for improvement, modernization and reform including, without limiting the generality of the foregoing, recommendations for

(a) development of new approaches to, and new concepts of, law that serve the changing needs of society and of individual members of society;

(b) clarification and simplification of the law;

(c) removal of provisions of the law that are outdated;

(d) improvement of the administration of justice;

(e) review of judicial and quasi-judicial procedures. 1990, c. 17, s. 4.

Composition of Commission

5 (1) The Commission shall be composed of not fewer than five nor more than seven commissioners who may be appointed, either on a full-time basis or a part-time basis, as follows:

(a) two members of the Nova Scotia Barristers' Society appointed by the Council of the Society;

(b) a judge of a court of the Province, appointed by the Governor in Council after consultation with the Chief Justice of Nova Scotia and the chief judge of the court of which the judge is a member;

(c) a full-time member of the Faculty of Law of Dalhousie University appointed by the Governor in Council after consultation with the Dean of the Faculty;

(d) a person who is not a graduate in law appointed by the Governor in Council;

(e) where the Governor in Council determines that the Commission is to be composed of more than five commissioners, one or two persons appointed by the Governor in Council.

Term of office of commissioner

(2) Each commissioner holds office for a term of three years, except that one of the first commissioners appointed by the Council of the Nova Scotia Barristers' Society and one of the first commissioners appointed by the Governor in Council shall be appointed for a term of two years.

Ceasing to be a commissioner

(3) A person ceases to be a commissioner where

(a) that person fails to attend three consecutive regular meetings of the Commission, except where the Commission by resolution excuses the absences; or

(b) the composition of the Commission ceases to comply with this Act as a result of the person ceasing to be a person described in clause (a), (b), (c) or (d) of subsection (1).

Casual vacancies

(4) Where a person ceases to be a commissioner for any reason other than the expiration of that person's term of office, the Governor in Council or the Council of the Nova Scotia Barristers' Society, as the case may be, shall appoint a person for the unexpired portion of the term.

Re-appointment of commissioner

(5) A commissioner whose term of office has expired may be re-appointed.

Expiry of term of office

(6) A commissioner whose term of office expires continues to hold office until a successor is appointed.

Vacancy

(7) A vacancy in the membership of the Commission does not impair the ability of the remaining members to act. 1990, c. 17, s. 5.

President of Commission

6 The commissioners shall appoint one of the members of the Commission to be the President of the Commission. 1990, c. 17, s. 6.

Remuneration and expenses

7 The President and other members of the Commission may be paid such remuneration and shall be paid such travelling and living expenses as may be determined by the Governor in Council. 1990, c. 17, s. 7.

Powers of Commission

8 (1) The Commission may

(a) receive and consider any proposals for the reform of the law that may be made to it by any person;

(b) initiate, carry out and direct such studies and research as are necessary to properly carry out its object;

(c) publish papers, studies or other documents prepared by or for the Commission;

(d) co-operate or enter into agreements with any organization that undertakes projects relating to the object of the Commission within or outside the Province;

(e) with the concurrence of the Attorney General and to the extent that the Commission is able to do so without, in its opinion, impairing its ability to carry out its object or duties, provide information, research material and study results and make recommendations to departments, boards and agencies of the Government of the Province concerned with the improvement, modernization or reform of laws;

(f) regulate its proceedings and provide generally for the conduct and management of its affairs;

(g) do such things and take such measures as the Commission considers advisable for the achievement of its object, including the making of by-laws.

Duties and further powers of Commission

(2) The Commission

(a) may make use of technical and other information, advice and assistance from departments, boards and agencies of the Government of the Province;

(b) shall undertake, at the request of the Attorney General, in a manner as determined by the Commission, the examination of particular laws or branches of the law and make recommendations for their improvement, modernization and reform. 1990, c. 17, s. 8.

Meetings of Commission

9 The Commission shall meet at least four times in each year. 1990, c. 17, s. 9.

Personnel

10 (1) An Executive Director and such persons as are required for the administration of this Act and the regulations shall be appointed by the Commission, in accordance with the *Civil Service Act*.

Function of Executive Director

(2) The Executive Director has the management, direction, control and administration of the day-to-day operations of the Commission.

Advisers

(3) Notwithstanding subsection (1), the Commission may engage, upon such terms and conditions as the Commission deems fit, the services of such professional persons, technical persons and experts to advise the Commission as the Commission deems necessary for the carrying out of its object. 1990, c. 17, s. 10.

Appropriation of money

11 (1) Money appropriated by the Legislature for the purpose of this Act shall be paid out by the Attorney General.

Law Reform Commission Fund

(2) The Commission shall maintain an account to be under the control and management of the Commission, to be known as the Law Reform Commission Fund, into which the Attorney General may pay from time to time any sum of money appropriated and into which may be paid any sum of money contributed as a grant or gift by any person, organization or body.

Use of money in Fund

(3) Except where a stipulation or condition is expressed in relation to a sum of money paid into the Law Reform Commission Fund, the money in the Fund may be used by the Commission for the purpose of this Act. 1990, c. 17, s. 11.

Annual report to Attorney General

12 (1) The Commission shall report from time to time to the Attorney General and shall make an annual report to the Attorney General on the activities of the Commission.

Tabling of annual report

(2) The Attorney General shall table the annual report of the Commission in the Assembly, if the Assembly is then sitting and, if the Assembly is not sitting, within fifteen days of its next sitting.

Other report

(3) Where the Commission reviews, considers or inquires into a matter, the Commission shall make a report to the Attorney General with respect to that matter at the conclusion of its deliberations.

Publication of report

(4) The Commission may publish a report made pursuant to this Section. 1990, c. 17, s. 12.

Repeal

13 Chapter 251 of the Revised Statutes, 1989, the *Law Reform Act*, is repealed. 1990, c. 17, s. 13.

Proclamation

14 This Act comes into force on and not before such day as the Governor in Council orders and declares by proclamation. 1990, c. 17, s. 14.

Proclaimed - January 22, 1991
In force - February 1, 1991

EXECUTIVE COUNCIL

NOVA SCOTIA

Certified to be a true copy of an Order of his Honour the Lieutenant Governor of Nova Scotia in Council made the 22nd day of January, A. D. , 1991

91-75

The Governor in Council on the report and recommendation of the Attorney General dated the 15th day of January, A.D., 1991, pursuant to Section 14 of Chapter 17 of the Acts of 1990, An Act to Establish an Independent Law Reform Commission, is pleased to order and declare by proclamation that Chapter 17 of the Acts of 1990, An Act to Establish an Independent Law Reform Commission, do come into force on and not before the 1st day of February, A.D., 1991.

H. F. G. STEVENS, Q.C.,
CLERK OF THE EXECUTIVE COUNCIL.

EXECUTIVE COUNCIL

NOVA SCOTIA

Lieutenant Governor of Nova Scotia in Council made the

22nd day of January, A.D., 1991

91-76

The Governor in Council on the report and recommendation of the Attorney General dated the 15th day of January, A.D., 1991, and pursuant to subsections (1) and (2) of Section 5 and Sections 6 and 7 of Chapter 17 of the Statutes of Nova Scotia, 1990, the Law Reform Commission Act, is pleased:

(a) to appoint, effective the 1st day of February, A.D., 1991, the following persons as commissioners of the Law Reform Commission of Nova Scotia:

(i) William Charles, Q.C., of Halifax, in the County of Halifax, for a term of office of three years;

(ii) Beverley Johnson of Dartmouth, in the County of Halifax, for a term of office of three years; and

(iii) The Honourable John M. Davison of Halifax, in the County of Halifax, for a term of office of two years;

(b) to determine that commissioners who serve on a part-time basis and who are not employed in the public service or as Judges shall be paid remuneration at the rate of $150.00 per day for each full day in attendance upon the business or affairs of the Law Reform Commission of Nova Scotia; and

(c) to determine that the President and other members of the Law Reform Commission of Nova Scotia shall be paid travelling and living expenses at rates that are the same as rates approved from time to time by the Management Board for public servants.

H. P. G. STEVENS, Q.C.,
CLERK OF THE EXECUTIVE COUNCIL.

APPENDIX B

Informal Advice to the Attorney General on Administrative Tribunals on Practices and Procedures

Research Officer: K. Hollett
Liaison Commissioner: W.H. Charles

Nova Scotia

Attorney General
Province of Nova Scotia

PO Box 7
Halifax, Nova Scotia
B3J 2L6

902 424-4044
902 424-4020

Our file no: 00-90-0034-05

July 18, 1991

Professor William Charles, Q.C.
President
Law Reform Commission of Nova Scotia
8th Floor, 1526 Dresdon Row
Halifax, Nova Scotia

Dear Professor Charles:

On Wednesday, July 17, 1991 I announced the Government's intention to legislatively consolidate four administrative tribunals: the Public Utilities Board, the Municipal Board, the Expropriation Compensation Board, and the Tax Review Board. We plan to introduce legislation during the fall session. This provides an opportunity – albeit on short notice – to give some thought to upgrading administrative law and practise, at least for the new board. I do not think there is sufficient time to develop comprehensive proposals for the overhaul of administrative law prior to the fall session but I would like to make a start.

Therefore, I make this request in two parts. First, pursuant to Section 6 of the Law Reform Act, I request the Commission to consider the state of administrative law in the Province and in particular to develop draft legislation that:

(a) standardizes the powers and procedures of administrative tribunals;

(b) guarantees parties appearing before the tribunals basic procedural rights and safeguards;

(c) simplifies administrative law, particularly with regard to judicial review and appeal; and

(d) ensures the requisite degree of independence when a tribunal is required to act in a judicial fashion.

This is an enormous task and I know you are not fully operational yet, so I simply ask that you give this prominence in your order of priorities.

My second request is not made pursuant to Section 6 of the Act and is in the nature of an informal invitation. If the Commission has thoughts or suggestions on administrative procedures and practises that might assist in the preparation of legislation during the fall, I would welcome them. In this regard you may wish to speak with Doug Keefe of my Department about timing. At this time we cannot say when the Legislature will next sit but, for the purposes of the board consolidation legislation, we are assuming the legislation will be passed and in effect January 1, 1992. On this basis we would need your thoughts in late September or early October. Circumstances may extend this deadline but no reliance should be placed on that. This certainly is very little time and if the Commission feels it is unable to pull together any suggestions, I certainly understand and sympathize.

Yours very truly,

Joel Matheson

Joel R. Matheson, Q.C.

cc: D. William MacDonald, Q.C.

LAW REFORM COMMISSION
OF NOVA SCOTIA

8th Floor, Garrison Place
1526 Dresden Row
Halifax, Nova Scotia
B3J 2K2

Telephone (902) 423-2633
Fax (902) 423-0222

September 4, 1991

Mr. Joel R. Matheson, Q.C.
Attorney General
Province of Nova Scotia
P.O. Box 7
Halifax, N. S. B3J 2L6.

Dear Minister:

This is to advise you that the Law Reform Commission of Nova Scotia has taken steps to hire a researcher on independent contract for a period of two months to prepare a report concerning administrative procedures and practises that might be adopted by the new consolidated administrative tribunal referred to in your letter of July 18th, 1991.

Work has been underway for several weeks now and we hope to have a first draft for the Commission by September 15th, 1991. I will keep Doug Keefe and Bill MacDonald advised as to our progress. I sincerely hope we can come up with something that will assist in the development of new legislation for the new tribunal.

Yours sincerely,

W. H. Charles

W. H. Charles
President

Copies: D. William MacDonald, Q.C.
Douglas J. Keefe

Nova Scotia

Attorney General
Province of Nova Scotia

PO Box 7
Halifax, Nova Scotia
B3J 2L6

902 424-4044
902 424-4020

Our file no:

02-90-0130-05

September 16, 1991

Professor W. H. Charles
President
Law Reform Commission
of Nova Scotia
1526 Dresden Row
Halifax, Nova Scotia
B3J 2K2

Dear ~~Professor Charles~~ Bill:

Thank you for your letter dated September 4, 1991 concerning the preparation of the report of the Law Reform Commission on administrative procedures and practices that might be adopted by the new consolidated administrative tribunal.

I am pleased to note the progress that has been made to date and I am looking forward to receipt of the Commission's report.

Yours very truly,

Joel R. Matheson, Q.C.

LAW REFORM COMMISSION
OF NOVA SCOTIA

8th Floor, Garrison Place
1526 Dresden Row
Halifax, Nova Scotia
B3J 2K2

Telephone (902) 423-2633
Fax (902) 423-0222

January 27, 1992.

The Honourable Joel R. Matheson, Q.C.
Attorney General
Province of Nova Scotia
P.O. Box 7
Halifax, N. S. B3J 2L6.

Dear Sir:

I am pleased to provide with this letter a copy of our suggestions concerning possible administrative procedures and practices that might be adopted by a new, consolidated administrative tribunal. This is in response to an informal request from you that any such guidance would be helpful.

The attached brief, consisting primarily of recommendations, has been prepared by our researcher Ms. Karen Hollett and reviewed and accepted by the Commissioners. Ms. Hollett prepared a background paper for the Commission and included in it the results of her discussions with members of the Boards affected by the proposed amalgamation, lawyers appearing before the Boards, as well as other users. She also reviewed procedures used in other jurisdictions as well as proposals for change.

Although the background paper was very useful for purposes of making recommendations, the Commission did not think it suitable to include as part of our informal report to you, given the relatively short time Ms. Hollett had to prepare it. For this reason we are sending only a summary of the recommendations. Should the need arise to consult the background report I am sure this can be arranged and I have already discussed this possibility with Doug Keefe.

The Commission is concerned that our Summary of Recommendations be understood as a special informal advice to you rather than a formal regular report of the Commission. We would be happy to discuss any of these recommendations with you or Mr. MacDonald or Mr. Keefe if desired. We hope the brief will be of assistance to you.,

Yours sincerely,

W. H. Charles

W. H. Charles
President

Copies: D. William MacDonald
Douglas J. Keefe

PRACTICE & PROCEDURE

BEFORE ADMINISTRATIVE TRIBUNALS

IN NOVA SCOTIA:

Some Suggestions and Recommendations

Prepared by the Nova Scotia Law Reform Commission

Based upon research work done for the Commission by Karen G. Hollett, in response to an informal request for advice and recommendations on this topic by The Honourable Joel R. Matheson, Q.C., Attorney General.

Date: January 24, 1992

PUBLIC ACCESS TO INFORMATION

that the Board have a stated duty to provide individuals, participating in or directly affected by the process, with the relevant legislation, regulations and a brochure or handbook outlining, in plain language, the Board's function and the steps an individual should take in preparing for a hearing before the Board.

that a person be available respond promptly to queries from the public and to assist as necessary.

where public notice is required by statute, the notice is to be written in plain language and is to specify how the application may affect the public and how members of the public may participate in the hearing process.

that these duties and responsibilities form a part of the Board's function and annual budget

DOCUMENTATION

Advance filing

sufficient information and documentation must be filed with the Board in advance of the hearing and be made available to be viewed by the public to ensure meaningful participation in the process.

Expert Reports

a copy of an expert's report, containing the full opinion of the expert and summary of his or her qualifications must be filed with the Board, and provided to the other side, within sufficient time prior to the hearing to ensure participation.

an expert's oral testimony at a hearing is conditional on the early prefiling of that expert's report.

Reports Considered by Board

if and when the Board considers a report or any other material prepared by its expert or staff advisor in reaching its decision, it must provide the material to all involved.

Confidential Material

the issue of confidential information should be considered and an appropriate provision drafted for inclusion in the legislation.

Time Restrictions for Filing and Serving

that the time restrictions for prefiling and serving documents and notices be clearly stated in the legislation and in the information brochure.

Standard Form Documents

standard forms of frequently used documents should be prepared and made available to the parties involved.

these standard forms should also be made available to the public in combination with the general information handbook about the Board and its process.

Facsimile Filing

that there be provision for documents to be delivered to and filed with the Board by telephone transmission.

INTERVENORS

Public interest intervenors are important and should be encouraged to participate. It is recommended that the Board have the discretion to grant intervenor funding to participants and to award costs where appropriate.

We recommend that criteria be established and documented stating how the Board's decision regarding funding and awards are made.

PRE-HEARING CONFERENCE

that either of the parties to a hearing or the Board itself may request a pre-hearing conference.

that a pre-hearing conference may, in the appropriate circumstances and with the consent of the parties, be held by telephone conference call.

that Board members shall strive to be sensitive to the issue

of cultural diversity and linguistic differences which may impede community members participation and act accordingly.

PRELIMINARY HEARING

that the Board, on its own motion or at the request of either of the parties, may hold a preliminary hearing to deal with preliminary issues which would otherwise be raised at the start of or during the hearing.

AGENCY/REPRESENTATIVE

that an individual shall not be permitted to both conduct the case and be a witness unless he or she is a party to the proceedings or an employee of the party.

EVIDENCE

the Board is not bound by the rules of evidence. However, the underlying principles for the rules are to be considered by the Board in reaching decisions on evidentiary matters.

the Board should indicate, as part of the record, the reasons for decisions reached on evidentiary matters.

CONTEMPT AND CONTROL

that the Board have the power to immediately and effectively deal with contempt and to make such orders or give such directions in proceedings as it considers necessary to prevent abuse of its process.

that the Board retain the authority to adjourn a hearing when fairness demands it.

STATED CASE

that the Board have the ability to state a case to the Appeal Division for determination on a question of law

REHEARINGS OR REVIEW

that the Board, on its own motion or on the application of either party, have the power to rehear any matter before deciding it or review any decision or order made by it

WRITTEN REASONS

that there be a duty on the Board to produce written decisions which are based upon the relevant evidence before the Board and clearly express the findings of fact, determinations of law and the reasons for the outcome.

DEADLINE FOR DECISIONS

the parties are entitled to receive the written decision from the Board promptly.

APPEAL FROM BOARD DECISION TO THE APPEAL COURT

that one appeal period and process apply to all the functions of the Board

that the decision of the Board indicate to the parties how an appeal to the court can be initiated and the deadline for doing so.

that the appeal period be of sufficient length (30 days) to allow individuals to determine whether or not they have a basis for appeal to the Court.

that an appeal from the Board's decision be to the Supreme Court, Appeal Division on questions of law or jurisdiction

INDEPENDENCE

it is the Commission's view that Boards should be independent. However, due to time constraints, the Commission is unable to offer specific recommendations.

SETTLEMENT TO BE ENCOURAGED

that the rules of the Board should encourage and provide opportunity for settlement of the issues before the Board. Certain cases may call for settlement discussion at the pre-hearing meeting or at a separate settlement conference.

ADDITIONAL COMMENTS ARISING FROM INTERVIEWS

Under the Public Utilities Board Act, the utilities have to get the Board's approval for any capital expenditure over $5000.00. It is suggested that this figure is outdated and unrealistic.

The present practice of using interrogatories should be maintained with respect to the regulatory functions of the Board.

It was suggested that there be a provision, where the circumstances warrant it, for the Board to attend with the parties and any other necessary individuals to view the property in question.

The Board should have the authority to award compound interest in matters dealing with expropriation of land. Presently the legislation authorizes interest awards on a per annum basis. The individual who has had his or her land expropriated is being under-compensated because had they received the compensation earlier it would likely have been invested in a compound interest account.

APPENDIX C

Interim Report on Enforcement of Maintenance Orders

Project officer: Anne Jackman
Liaison Commissioners: W.H. Charles, Justice Davison, B. Johnson

Enforcement of Maintenance Orders: Interim Report, April 1992.

1. Introduction

At a Law Reform Commission Retreat held on Saturday that the Commission's first research project would be that of the problems associated with the enforcement of maintenance orders within the province. At a Commission meeting held on August 13th this decision was confirmed and a project Committee comprised of the Legal Research officer, Beverley Johnson, Mr. Justice Davison and Dawna Ring was established.

2. Research/Consultation

Legal Research commenced in August and a survey of legal literature in the field of maintenance enforcement was undertaken. This included a review of existing systems of enforcement within provincial jurisdiction, including:

(a) execution orders of the Supreme and Family Courts;
(b) garnishee orders of the Supreme and Family Courts;
(c) Family Court security orders;
(d) registration against land;
(e) receivership;
(f) imprisonment;
(g) default hearings; and
(h) tracing information pursuant to the Family Orders Information Release Act.

Existing systems of enforcement within the federal scheme, although not within the jurisdiction of the Commission, were also reviewed, including:

(a) Armed Forces garnishments;
(b) tracing and garnishment pursuant to the federal Family Orders and Agreements Enforcement Assistance Act;
(c) garnishment and diversion pursuant to the federal Garnishment, Attachment and Pension Diversion Act.

The following statutes were considered in detail by the research officer and a comparative analysis was conducted of all common law jurisdictions in Canada:

Alberta	Maintenance Enforcement Act, S.A. 1985, c. M-0.5.
British Columbia	Family Maintenance Enforcement Act, S.B.C. 1988, c.3, as amended.
Newfoundland	Support Order Enforcement Act, S. Nfld. 1988, c. 58 as amended.
Ontario	Support and Custody Orders Enforcement Act, 1985, S.O. 1985, c. 6, as amended.

P.E.I.	Maintenance Enforcement Act, R.S.P.E.I., 1988, c. M-1 as amended.
Saskatchewan	Enforcement of Maintenance Orders Act, S.S. 1984-85-86, c. E-9.2.
Northwest Territories	Maintenance Orders Enforcement Act, S.N.W.T., 1987(1), c. 22.
Yukon	Maintenance and Custody Orders Enforcement Act, R.S.Y. 1986, c. 108.
New Brunswick	Family Services Act, S.N.B. 1980, c. F-2.2, as amended.
Manitoba	Family Maintenance Act, R.S.M., 1987, c. F20, as amended.

Additionally, recent Bills from Ontario and New Brunswick (Bills 17 and 68 respectively) were reviewed.

Research was also conducted involving the actions of the United States Federal Government which in 1975 enacted the Child Support Enforcement (CSE) program as Part D of Title IV of the Social Security Act.

A great deal has been written (often in a non-legal context) as to why men default on maintenance payments when there has been demonstrated a clear ability to pay. Additionally, any consideration of the "feminization of poverty" necessarily discusses the problem of enforcement of maintenance orders.

Statistical research was conducted through both provincial and federal sources and attempts were made to gather any available statistics from the various divisions responsible for enforcement within the Department of Community Services. Each Municipality and County in the province was contacted by letter with a request for statistical information on the amount of municipal assistance spent as a result of maintenance default. As well, each legal aid office in the province received a written request for information pertaining to the number of lawyers' hours spent on enforcement related issues.

The initial contact for consultation on the project was Mr. Jock MacKinnon, Director, Youth and Court Services, Department of Community Services. Mr. MacKinnon provided information to the research officer with respect to the procedure instituted by the family court enforcement officers when a payor defaults on a maintenance order.

Interviews were conducted during the summer and fall with over 20 members of the legal and administrative community including private practitioners, family court workers and family court judges including:

Each Family Court Judge in the province received a written letter from the researcher for an interview.

Consultation outside of Nova Scotia also occurred (by telephone or written correspondence) in a number of other common law provinces, most significantly New Brunswick (in light of Bill 68) and Ontario (in light of Bill 17). Additionally, the Department of Health and Social Services, Division of Economic Support in Madison, Wisconsin were most helpful in relaying information pertaining to its successful income attachment program of maintenance enforcement.

3. Background Paper

In November, 1991 a background paper was presented to the Commission by the legal research officer. This was an internal working document which brought the Commissioners up to date on the law related to enforcement and made a number of preliminary recommendations. The Paper was quite lengthy and a substantial amount of time was required by the commissioners to fully appreciate the breadth of the enforcement problem.

4. Tentative Recommendations of the Commission

During Commission meetings which were held on January 2nd, 17th, 31st and February 18th the Commissioners and the Executive Director met with the researcher to discuss the paper and an outline of policy decisions to be made by the Commission was presented. As a result of the numerous meetings and discussions of the Commission a list of tentative decisions were made on the project.

5. Resource Committee

The Commission decided to organize a team of resource people who were experts in the area of family law to discuss the implications of its tentative decisions. This committee was comprised of Family Court Judges and Legal Aid and private practice solicitors.

Meetings were held on Thursday, February 29th and March 30th, 1992 to discuss the tentative recommendations of the Commission and to review the views of the Resource Committee.

6. Conclusion

Another meeting of the resource committee and Commissioners has been scheduled for May 11th, 1992 at 6:00 p.m. Subsequent to this a meeting is planned with individuals from the Department of Community Services and plans are in the works for a discussion paper to be published by the Commission this springThe Commission will invite feedback from the legal community and interested parties prior to submitting its final report to the Attorney General.

APPENDIX D

Interim Report on Domestic Violence in Nova Scotia

Research Officer: Diana Ginn
Liaison Commissioners: W.H. Charles, Dawna Ring

Interim Report on Domestic Violence, April 1992

A. Introduction

On December 6, 1991, the Law Reform Commission of Nova Scotia announced that it was undertaking a project to examine violence in a domestic context. The purpose of this project is to examine how the legal system deals with the issue of spousal assault, in order to make recommendations to the Provincial Government for the improvement of provincial laws and the administration of justice generally.

The decision of the Law Reform Commission of Nova Scotia to study spousal assault comes amid a growing interest at all levels of government in law reform and other initiatives in this area. For instance, the Government of Nova Scotia recently established an Interdepartmental Family Violence Prevention Initiative. This initiative, which will co-ordinate and develop the provincial response to family violence, encompasses the departments of the Attorney-General, the Solicitor General, Health, Education and Community Services and the Women's Directorate.

The departments of the Provincial Attorney-General and Solicitor-General are also involved in two joint federal/provincial projects in the area of family violence: the Tracking Project and the Homicide Study. The Tracking Project is intended to improve the nature and quality of information processing on the way in which the criminal justice system deals with family violence. The Tracking Project is to be completed in June/93. The Homicide Study entails an extensive review of all the homicides which took place in Nova Scotia over a five-year period, where the killer was the spouse or former spouse of the victim. The completion date for this study is February/93. Thus, the Law Reform Commission's project on Domestic Violence is well-timed, to allow for a useful exchange of information between the Commission and the provincial government, as the variouis projects and studies proceed.

At the municipal level in Nova Scotia, the Dartmouth Task Force on Violence Against Women recently released its Report, with changes recommended in a number of areas, including the legal system.

Other provinces too are focusing on the need for law reform with regard to family violence; in particular, Manitoba and Prince Edward Island, which produced, respectively:

"The Domestic Violence Review into the Administration of Justice in Manitoba", Manitoba Department of Justice, 1991,

"Inquiry Into Police and Department of Justice Policies and Procedures in Cases of Inter-Spousal Assault and Intra-Family Violence", Prince Edward Island, 1991.

At the national level, the federal government established the Canadian Panel on Violence Against Women, which has been holding hearings across Canada in order to make recommendations for a national approach to ending violence against women. Also, Health and Welfare Canada is providing substantial funding for the development of Research Centres into Family Violence and Violence Against Women.

On December 6, 1991, the Law Reform Commission announced the Domestic Violence Project in a press release and in letters to the Advisory Council on the Status of Women and the Executive Directors of Bryony House, Halifax; Cape Breton Transition House, Sydney; Leeside Transition house, Port Hawkesbury; the Naomi Society, Antigonish; Third Place Transition House; Truro; Cumberland County Transition house, Amherst; Juniper House, Yarmouth; Harbour House, Bridgewater; Chrysalis House, Kentville; and Tearmann House, New Glasgow.

The Law Reform commission hired Diana Ginn, B.A., LL.B., LL.M., as the legal researcher for this project. Ms. Ginn met with the President of the Law Reform Commission, W.H. Charles, and the Commissioner with responsibility for this project, Ms. Dawna Ring, to discuss the approach to be taken to the project. Both Commissioners stressed the need for the Legal Researcher to meet with as broad a range of people as possible who are directly involved with the issue. It was also decided that it would be important to ensure that meetings were held with relevant people across the province, not just in the metro area.

B. Collection of Empirical Data: Consultation Process

Since beginning the project, Ms. Ginn has held numerous meetings with people who approach the issue of spousal assault from a wide variety of perspectives. In order to ensure that people from across the province were heard from, Ms. Ginn travelled to Sydney, Port Hawkesbury, Antigonish, New Glasgow, Truro, Shubenacadie, Amherst, Kentville, Wolfville, Bridgewater, Yarmouth and Digby for meetings, as well as consulting with people in Halifax and Dartmouth. A list of these meetings is attached as Schedule A to this report.

Discussions at these meetings have dealt both with relevant provincial legislation (for instance, legislation dealing with matrimonial property, custody and maintenance, as these issues relate to family violence) and with the administration of provincial laws and the Criminal Code. Discussion of the administration of the law included such topics as the role of police, judges, Crown prosecutors, lawyers, and probation services in spousal assault matters, delays in the court system, sentencing, peace bonds, and support systems for women going through the court system.

As the project continues, Ms. Ginn plans further consultation. A list of proposed meetings is attached as Schedule B to this report.

C. Legal Issues

In conjunction with the consultation process, which is designed to gather a broad range of views and empirical data, this project will entail extensive background reading (set out in Schedule C to this report) as well as research into and analysis of specific legal issues. These issues include:

1. The approach used in Domestic Violence legislation in other jurisdictions, including the definition of "domestic violence", the sanctions available to the court, and the issue of whether or not such legislation appears to be an appropriate method of dealing with the problem.

2. Constitutional research into the penalties available to the Province. Also, research into whether administrative-type penalties could be used instead of, or as well as, other kinds of sanctions.

3. The extent to which the Province can legislate in the area of domestic violence, because of the federal jurisdiction over criminal matters. One possibility that has been suggested is having concurrent federal/provincial legislation, such as has been used in the area of environmental law.

4. Whether there are legal grounds on which a batterer could be removed from the home at the time a charge is laid, and placed in some kind of "holding facility" until the matter is before the courts.

5. Whether, where an assault is part of a pattern of violence, charges could be laid not just for one assault, but for all the assaults which took place between the years stated in the charge (as is now done with charges of ongoing child sexual assault).

6. Ways in which cases of spousal assault could be incorporated into a Tribal Justice System for native communities, and whether this would be appropriate.

D. Analysis, Recommendations and Project Completion

(i) Discussion Paper and Report

With this project, it seems that it would not be appropriate to move directly from meetings and research to the preparation of a final report. Instead, it would be advisable to prepare a Discussion Paper to be circulated to the people with whom Ms. Ginn met. It would also be useful to set up a Resource Committee to review the Discussion Paper and offer more detailed comments.

If it turns out that the recommendations arising from this project include a recommendation either for specific legislation dealing with domestic violence or for amendments to existing legislation, it would also be very useful to prepare draft legislation to accompany the recommendations.

(ii) Schedule for Project Completion

On the issue of timing, it should be noted that Ms. Ginn worked on the project on a half-time basis from December, 1991 to April, 1992. Also, Ms. Ginn will be on maternity leave from mid-April to mid-September. When Ms. Ginn returns to the project in September, she will continue to work reduced hours, although this may be more than the 20 hours a week she is presently working.

The following schedule is proposed for the remainder of the project:

September - December, 1992: -Completion of meetings, general reading and legal research. This includes continuing to dictate notes from all meetings and reading so that at the end of the project there will be a complete record of the project.
- Workshop for Commissioners on the issues relating to spousal assault.

January - February, 1993: - Summary of notes and preparation of preliminary report for Executive Director and Commissioners.

March, 1993: Review of preliminary report by Commissioners and Executive Director and preparation of Discussion Paper for circulation.

April, 1993: Discussion Paper circulated and reviewed by Resource Committee.

May - June, 1993: Preparation of Final Report (and possibly legislation)

SCHEDULE A

Ms. Ginn met with the following people between December,1991 and April, 1992:

Shelters For Women: Staff and Residents

1. Executive Director, Bryony House, Halifax
2. Staff members, Bryony House
3. Former staff member, Bryony House
4. Social Action Committee, Bryony House
5. Residents, Bryony House
6. Individual meetings with five women who were abused in past relationships
7. Executive Director, Adsum House, Halifax
8. Executive Director, Alice Housing, second-stage housing in Dartmouth
9. Residents of Alice Housing
10. Former Executive Director of Tearmann House, New Glasgow
11. Interim Executive Director, Cumberland County Transition House Association, Amherst
12. Executive Director, Naomi Society, Antigonish
13. Child care worker, Naomi Society, Antigonish
14. Executive Director, Harbour House, Bridgewater
15. Staff, Harbour House, Bridgewater
16. Executive Director, Chrysalis House, Kentville
17. Executive Director, Tearmann House, New Glasgow
18. Executive Director, Leeside Transition House, Port Hawkesbury
19. Staff, Leeside Transition House, Port Hawkesbury
20. Executive Director, Cape Breton Transition House, Sydney

21. Support Group in Sydney for women who have left or are still in an abusive relationship

22. Executive Director, Third Place Transition House, Truro

23. Executive Director, Juniper House, Yarmouth

24. Staff, Juniper House, Yarmouth

25. Member of Transition House Association of Nova Scotia, New Glasgow

Other Organizations Providing Support to Women

26. Member of the National Panel on Violence Against Women, New Glasgow

27. Organizer for the Nova Scotia meetings of the National Panel on Violence Against Women (telephone conversation)

28. Advisory Council on the Status of Women

29. Nova Scotia League for Equal Opportunities (regarding the particular problems faced by disabled women)

30. Coverdale, court support service for women involved with the law as either offenders or victims (telephone conversation)

31. Family S.O.S. (2 telephone conversations)

32. Director, Women's Resource Center, Antigonish

33. Women's Center, Bridgewater

34. Chair, Dartmouth Task Force on Violence Against Women

Groups for Men Who Batter

35. Co-facilitator of group for men who batter, Wolfville

36. Facilitator of "Shifting Gears", group for men who batter, Antigonish (telephone conversation)

Provincial Government

37. Provincial Interdepartmental Family Violence Prevention Initiative

38. Senior Advisor, Policy and Planning, Nova Scotia Attorney General's Office

39. Attorney General's Office

40. Director, Victims' Services, Attorney General's Office

41. Victim Fine Surcharge Fund, Attorney General's Office

42. Solicitor General's Office, re Tracking Project and Homicide Study

43. Attorney General's Office, re Tracking Project.

44. Assistant Chief Crown Attorney, Attorney General's Office

45. Attorney General's Office

Public Legal Education

46. Executive Director, Public Legal Education of Nova Scotia

Native Issues

47. Executive Director, Micmac Family and Children's Services, Shubenacadie

48. Micmac Family and Children's Services, Eskasonie

49. Executive Director, Native Council of Nova Scotia

Police

50. Constable, Community Relations, Halifax Police Dept.

51. Chief of Police, Amherst

52. Staff Sergeant, R.C.M.P. Amherst Detachment

53. Constable, Antigonish R.C.M.P. (telephone conversation)

54. Chief of Police, Bridgewater

55. Staff Sergeant, Bridgewater R.C.M.P.

56. Chief of Police, Kentville

57. Staff Sergeant, New Minas R.C.M.P.

58. Chief of Police, New Glasgow

59. Sergeant, Pictou R.C.M.P.

60. Sergeant, Stellarton R.C.M.P.

61. Staff Sergeant, Port Hawkesbury R.C.M.P.

62. Sergeant, Sydney Police

63. Staff Sergeant, Sydney R.C.M.P. (telephone conversation)

64. Chief of Plice, Truro

65. Staff Sergeant, Truro R.C.M.P.

66. Staff Sergeant, Yarmouth Town Detachment, R.C.M.P.

67. Sergeant, Yarmouth Rural Detachment, R.C.M.P.

Court System

68. Chief Clerk, Provincial Court, Digby
69. Crown Prosecutor, Antigonish
70. Regional Crown Attorney, Kentville
71. Senior Crown Attorney, Bridgewater
72. Crown Prosecutors, New Glasgow
73. Crown Prosecutor, Port Hawkesbury
74. Crown Prosecutor, Sydney
75. Crown Prosecutor, Truro
76. Senior Crown Attorney, Yarmouth
77. Nova Scotia Legal Aid, Dartmouth, criminal law
78. Legal Aid, Antigonish, family and criminal law (telephone conversation)
79. Director, Legal Aid, Kentville, family and criminal law
80. Legal Aid, Yarmouth, family and criminal law

Probation and Parole Services

81. Probation Services, Antigonish
82. Probation Services, Bridgewater (telephone conversation)
83. Probation Services, Kentville
84. Probation Services, New Glasgow
85. Probation Services, Port Hawkesbury
86. Probation Services, Sydney

87. Probation Services and a founding member of "Bridges", a group for men who batter, Truro

88. Probation Services, Yarmouth

89. Parole Services, Kentville

SCHEDULE B

Diana Ginn plans to meet with the following people as the project continues:

Court System

1. Judges in both Provincial and Family courts
2. Crown Prosecutors in Halifax
3. Lawyers in private practice doing family and criminal law.
4. Director and staff lawyers, Dalhousie Legal Aid
5. Community worker at Dalhousie Legal Aid
6. Director and staff lawyers, Metro legal Aid Clinic

Provincial Government

7. Interdepartmental Committee, Family Violence Prevention Initiative, provincial government
8. Continuing meetings with members of the Attorney General's Office, Solicitor General's Office and Consultants.
9. Solicitor General's Office for Homicide Study
10. Legal Counsel on federal/provincial working-group regarding women and justice.
11. Executive Director of Court Registries, regarding policies and training for sheriffs and court clerks.

Other Jurisdictions

12. Department of Justice, Ottawa, Family law (telephone conversation)

13. Assistant Director, Family Law and Public Prosecutions Branch, N.B. (telephone conversation)

14. Assistant Deputy Minister, Manitoba Attorney General's Office, regarding the Manitoba Domestic Violence Court (telephone conversation)

15. Policy planners in Attorney General's Offices across Canada (telephone conversations)

16. P.E.I. Victim Services (Victim Services in N.S. are to be patterned fairly closely on the P.E.I. model)

Groups for Men Who Batter

17. Facilitator, Project New-Start (group for men who batter), Veith House

18. Facilitator, "New Leaf", program for, men who batter, New Glasgow

19. Facilitator, program for men who batter, Bridgewater

Native Issues

20. Native Women's Association of Nova Scotia

21. Chair, Native Justice Committee re the trial Tribal Justice Program that is being planned for Shubenacadie

Women Who Have Been Abused

22. Residents and ex-residents of Bryony House and Alice Housing

Support Services for Women

23. A former member of Victims of Violence Project in Halifax (this project is no longer operating)

24. Elizabeth Frye Society

25. The Family Service Association

26. Coverdale

Social Work and Community Groups

27. Director, Maritime School of Social Work

28. Maritime School of Social Work

29. President of the Association of Black Social Workers

30. Professor, Dalhousie Sociology Dept. (taught Women & Violence course)

31. North End Parent Resource Center, Committee on Domestic Violence

32. Halifax County Social Assistance Workers

33. Committee Against Women Abuse, Spryfield

Police

34. A facilitator of sensitivity training on domestic violence for Halifax police

35. Community relations officers from police and RCMP in Dartmouth, Bedford, Sackville and Cole Harbour

Therapists

36. A private practice counsellor with victims of spousal assault

37. A medical practicioner who teaches at the Dalhousie Family Medical Center who conducts therapy with victims of spousal assault

38. Doctors and social worker at North End Clinic in Halifax.

Multicultural Associations

39. Metropolitan Immigrant Settlement Association

40. Multicultural Association of Nova Scotia

41. Black United Front of Nova Scotia

SCHEDULE C

As general background for the project, Ms. Ginn reviewed a number of reports and other written material. These included:

1. "Wife Abuse", Public Legal Education Society of Nova Scotia

2. "Understanding the Law, a Guide for Women in Nova Scotia", Nova Scotia Association of Women and the Law

3. "What Battered Women Should Know About the Law", Prince Edward Island Department of Justice

4. "How the Law Can Help Battered Women", Health and Welfare Canada

5. "Inquiry into Police and Department of Justice Policies and Procedures in Cases of Inter-spousal and Intra-family Violence", Prince Edward Island, 1991

6. "The Domestic Violence Review into the Administration of Justice in Manitoba", Manitoba Department of Justice, 1991

7. "Understanding Wife Assault", by Deborah Sinclair

8. "Violence Against Women", Canadian Woman Studies, 1991

9. "Training Manual for the Staffs and Boards of Transition Houses", Ontario Association of Interval and Transition Houses

10. "Responding to the Abuse of People with Disabilities", Advocacy Resource Center for the Handicapped

11. Various articles on the Battered Woman's Syndrome

12. Articles in Vis-a-Vis, a national newsletter on family violence, published by the Canadian Council on Social Development

13. Articles on anger control and other treatment programs for men who batter

A wide variety of reports and other written material has also been collected by Ms. Ginn, to be read as the project continues. These include:

The Legal System

1. "Domestic Violence: Law and its Administration", LL.M. Thesis by Brian Norton
2. Domestic Violence Legislation in other Jurisdictions
3. "Feminist Legal Literature in Family Law: An Annotated Bibliography"
4. Excerpts from "Securing Compliance", edited by M. L. Friedland
5. "Presentation on Family Violence to the Association of Provincially Appointed Judges", 1990, by the Advisory Council on the Status of Women
6. "Silence in the Court, Battered Women Talk about Their Experience in the Legal System", a research project by the Tearmann Society for Battered Women

Government Reports

7. Interim Report of the National Panel on Violence Against Women
8. "Building Blocks, Framework for a National Strategy on Violence Against Women", adopted by Federal/Provincial/ Territorial Ministers responsible for the status of women, 1991
9. "The War Against Women", Report of the Standing Committee on Health and Welfare, Social Affairs, Seniors, and the Status of Women, chaired by Barbara Green, MP, June 1991
10. "Living Without Fear", the Federal response to the report, "War Against Women"
11. "Working Together: National Forum on Family Violence, Health and Welfare Canada
12. Federal Family Violence Initiative, 1991, Health and Welfare Canada
13. Report of Federal Government Consultation on Family Violence with National Non-Governmental Organisations, 1990
14. "The Other Side of the Mountain, Working Together on Domestic Violence", Federal Interdisciplinary project on Domestic Violence

15. "Wife Battering and the Web of Hope", Discussion Paper for the National Forum on Family Violence

16. Report of the Dartmouth Task Force on Violence Against Women

Court Statistics

17. "Family Violence Court Research Project Statistics", Winnipeg, 1991

18. Annual Report, 1990/91, London Family Court Clinic.

Shelters for Women

19. "Meeting Our Needs, An Access Manual for Transition Houses" Disabled Women's Network

20. "Speaking Out, Voices of Battered Women in Cape Breton", by the Cape Breton Transition House.

21. Logs recording interaction of residents of Bryony House with police and the court system

Men

22. "Canadian Treatment Programs for Men who Batter", 1991

23. "New Directions/ New Leaf", Description and Analysis of programs for men who batter in Amherst and New Glasgow

24. "Transitional Residences for Adult Male Incest Offenders", (this discusses legal questions that are relevant to the issue of removing male batterers from the home)

Children

25. "Victims Without a Voice: Children of Battered Women and the Disposition of Custody Disputes", by Corina Tobin

26. "Children of Battered Women", Dr. Peter Jaffe and others

Police

27. "Getting the Message Out, Sydney City Police Address Woman Battering", a research project of the Cape Breton Transition House Association

28. "Wife Assault as a Crime: The Perspectives of Victims and Police Officers on a Charging Policy in London, Ontario from 1980-1990"

29. "The Police Need for Inter-disciplinary Approach to Family Violence", Police Chief Kinnaird.

Social Work

30. "Empirical Clinical Practice from a Feminist Perspective", by André Ivanoff and others, National Association of Social Workers

31. "Final Report on a Team Approach to Family Violence Cases", 1991, Public Legal Education Society and Nova Scotia Family and Child Welfare Association.

APPENDIX E

Viability Report on Administrative Law Project

Research officer: Anne Jackman
Liaison Commisioners: W.H. Charles, R. Culley

Viability Report on Administrative Law Project, March 5 1992

Viability Methodology Report

1. Background Information

On July 18, 1991 the Commission received a formal request from the Attorney General pursuant to section 6 of the Law Reform Act, to

> "...consider the state of administrative law in the Province and in particular to develop draft legislation that:
>
> (a) standardizes the powers and procedures of administrative tribunals;
>
> (b) guarantees parties appearing before the tribunals basic procedural rights and safeguards;
>
> (c) simplifies administrative law, particularly with regard to judicial review and appeal; and
>
> (d) ensures the requisite degree of independence when a tribunal is required to act in a judicial fashion."

This request was originally recommended by the N.S. Court Structure Task Force and the wording of the Attorney General's request is actually identical to that put forward in the Report.

The Attorney General also informally invited the Commission to make suggestions on administrative procedures and practice which might assist the legislative consolidation of four provincial administrative tribunals: the Public Utilities Board, the Municipal Board, the Expropriation Compensation Board, and the Tax Review Board. Karen Hollett was hired on a contract basis to prepare this report for the Commission which was forwarded to the Attorney General's department on January 27, 1992.

2. Scope of project

The formal request by the Attorney General suggests a research project which is broad-based and extensive and seems to deal primarily with the quasi-judicial functions of administrative bodies and tribunals. It is apparent that the government desires legislation which will formalize and provide uniformity to administrative procedures.

Although the request itemizes four objectives, in my opinion the task may be viewed conceptually as being two-fold in nature:

(i) to standardize the practices and procedures before administrative bodies and to provide procedural safeguards to all individuals appearing before them; and

(ii) to ensure independence of the tribunals and simplify the procedure of appeals from their decisions;

The first matter would be comprised of a study similar to that conducted by the New Brunswick Law Reform Branch of the Office of the Attorney General which culminated in the publication in December, 1991 of Proposals for an Administrative Procedures Act: a Discussion Paper.

The second matter, however, is much more complex and may require legislative changes which would alter traditional common law common law remedies of judicial review (certiorari and prohibition; mandamus; habeas Corpus; declarations and injunctions). This portion of the project would be similar to British Columbia's Statutory Appeals Procedure Act (which was introduced for publicity only and attempts to regulate appeals from tribunals to the courts).

If the approach is to be as broad as the Attorney General's request suggests the Commission itself may also wish to further expand the project to include:

(i) whether there is a need for a Council of Tribunals or similar body to perform a co-ordinating function for all tribunals (as undertaken by the Alberta Law Reform Institute);

(ii) whether some tribunals may be able to function more effectively with additional powers such as alternative dispute resolution as is also being considered by the Alta. L.R.I. (on this same issue - the N.S. Task Force Report also recommended greater use of referees by courts and litigants in selected, suitable cases and since the N.S. Supreme Court, Trial Division has indicated its willingness to use land surveyor referees pursuant to Rule 35 of the Civil Procedure Rules, this may be an area which is appropriate for review); and

(iii) whether or not the N.S. government should adopt a policy governing appointments to administrative tribunals. This has been introduced in Ontario and is intended to ensure greater fairness in government appointments and to ensure representation of the province's demographics;

3. Methodology

The Research officer is in the process of analyzing the two aspects of the project referred to by the A.G. separately as:

A. practices and procedures; and
B. appeal process.

CONTENTS

Auditor's Report	1
Balance Sheet	2
Statement of Revenue, Expenditures and Surplus	3
Statement of Changes in Financial Position	4
Notes to Financial Statements	5

FH

FH
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CHARTERED ACCOUNTANTS
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AUDITOR'S REPORT

To the Attorney General of Nova Scotia

We have audited the balance sheet of the Law Reform Commission of Nova Scotia as at March 31, 1992 and the statements of revenue, expenditures and surplus and changes in financial position for the year then ended. These financial statements are the responsibility of the Commission's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with generally accepted auditing standards. Those standards require that we plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In our opinion these financial statements present fairly, in all material respects, the financial position of the Commission as at March 31, 1992 and the results of its operations for the year then ended in accordance with accounting principles outlined in the notes to the financial statements.

Halifax, Nova Scotia
May 21, 1992

Fraser & Howatt
CHARTERED ACCOUNTANTS

LAW REFORM COMMISSION OF NOVA SCOTIA
BALANCE SHEET
AS AT MARCH 31, 1992

	$
Assets	
Current Assets	
Cash	19,294
Term Deposit	50,000
Accounts Receivable	2,283
	71,577
Fixed Assets	
Computer Equipment	15,550
Office Equipment	7,655
Furniture and Fixtures	22,104
	45,309
Less Accumulated Depreciation	5,308
	40,001
	111,578
Liabilities and Surplus	
Current Liabilities	
Accounts Payable and Accrued Liabilities	19,143
Surplus	92,435
	111,578

Approved:

_____, President

_____, Executive Director

FH

LAW REFORM COMMISSION OF NOVA SCOTIA
STATEMENT OF REVENUE, EXPENDITURES AND SURPLUS
YEAR ENDED MARCH 31, 1992

	$
Revenue	
Department of the Attorney General of Nova Scotia (Note 3)	150,000
Department of the Attorney General of Nova Scotia (Notes 3 & 5)	50,000
Law Foundation of Nova Scotia	37,500
Law Foundation of Nova Scotia (Note 5)	50,000
Interest	5,789
	293,289
Project Expenditures	
Commissioners	7,241
Conferences and Workshops	345
Travel	2,302
Wages and Benefits	54,044
Miscellaneous	1,627
	65,559
Administrative Expenditures	
Advertising	2,248
Bank Charges	151
Commissioners	34,681
Conferences and Workshops	300
Depreciation	5,308
Insurance	222
Library	1,597
Meetings	748
Miscellaneous	4,116
Office	4,378
Parking	282
Professional Development	2,985
Professional Fees	3,540
Rent	25,970
Telephone	3,950
Travel	6,712
Wages and Benefits	38,107
	135,295
Excess of Revenue Over Expenditures and Surplus, End of Year	92,435

FH

LAW REFORM COMMISSION OF NOVA SCOTIA
STATEMENT OF CHANGES IN FINANCIAL POSITION
YEAR ENDED MARCH 31, 1992

	$
Funds Provided From (Used In) Operating Activities	
Excess of Revenue Over Expenditures	92,435
Add Depreciation	5,308
	97,743
Net Change in Non-Cash Working Capital Items	
Increase in Accounts Payable	19,143
Increase in Accounts Receivable	(2,283)
	114,603
Funds Provided From (Used In) Investing Activities	
Purchase of Fixed Assets	(45,309)
Increase in Cash and Cash Equivalents	
Balance End of Year	69,294
Cash and cash equivalent are represented by the following	
Cash	19,294
Term Deposit	50,000
	69,294

LAW REFORM COMMISSION OF NOVA SCOTIA
NOTES TO FINANCIAL STATEMENTS
YEAR ENDED MARCH 31, 1992

1. **Organization**
The Law Reform Commission of Nova Scotia was established by the Law Reform Commission Act of Nova Scotia and proclaimed January 22, 1991. The Commissioners were appointed in February, 1991. The Commission commenced active financial operations in April, 1991.

2. **Significant Accounting Policies**
Revenue
All revenue received during the fiscal year is credited to current year operations.

Depreciation
Depreciation of fixed assets is calculated using the following methodology and annual rates:

Asset	Method	Rate
Computer Equipment	Declining Balance	30%
Office Equipment	Declining Balance	20%
Furniture and Fixtures	Declining Balance	20%

During the year of acquisition the rates are reduced by 50%.

3. **Government Assistance**
During the year the Commission received the following amounts from government authorities:

	$
Department of the Attorney General of Nova Scotia	150,000
Department of the Attorney General of Nova Scotia (Note 5)	50,000
	200,000

4. **Contractual Obligation**
The Commission entered into a five year lease for office premises at 1526 Dresden Row, Halifax, Nova Scotia. Annual base rental payments required for each of the next four years in $15,950. The lease also requires payment of the associated operating expenses. The lease expires March 31, 1996.

5. **Fiscal Year End**
The Commission has selected March 31 as the fiscal year end. The Commission had two transactions prior to April 1, 1991, being deposits to the bank of $50,000 each from the Department of the Attorney General of Nova Scotia and the Law Foundation of Nova Scotia. As a result of this financial inactivity the Commission established April 1, 1991 as the official commencement of operations.

FH